

BARAFF, KOERNER, OLENDER & HOCHBERG, P. C.

ATTORNEYS AT LAW
5335 WISCONSIN AVENUE, N. W., SUITE 300
WASHINGTON, D. C. 20015-2003

(202) 686-3200

B. JAY BARAFF
ROBERT L. OLENDER
JAMES A. KOERNER
PHILIP R. HOCHBERG
MARK J. PALCHICK
JAMES E. MEYERS
SUSAN R. ATHARI*

OF COUNSEL
ROBERT BENNETT LUBIC

FAX: (202) 686-8282

* ADMITTED IN VA ONLY

July 19, 1994

RECEIVED

JUL 19 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

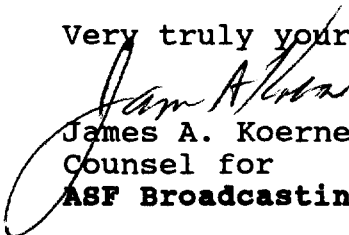
RE: MM Docket No. 93-107

Dear Mr. Caton:

On behalf of ASF Communications, Inc., applicant in the above-referenced proceeding, there are transmitted herewith an original and eleven copies of its Petition for Leave to Amend.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner
Counsel for
ASF Broadcasting Corporation

JAK/ah

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

Original
RECEIVED
JUL 19 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	MM Docket No. 93-107
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
ASF BROADCASTING CORPORATION)	File No. BPH-911230MB
)	
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
)	
SHELLEE F. DAVIS)	File No. BPH-911231MA
)	
OHIO RADIO ASSOCIATES, INC.)	File No. BPH-911231MC

For Construction Permit
For New FM Radio Station at
Westerville, Ohio

To: The Review Board

PETITION FOR LEAVE TO AMEND

ASF Broadcasting, Corporation ("ASF"), by its attorneys, hereby respectfully requests leave to amend its pending application for a construction permit for a new broadcast station at Westerville, Ohio. In support hereof, the following is submitted:

ASF, as well as a number of other applicants, had originally proposed to use the site previously used by station WBBY, as well as to lease equipment previously used in that station's operation. Subsequent to the hearing in this matter, and during the pendency of this appeal, the former WBBY licensee, Mid-Ohio Communications, Inc., sold its

equipment and site to Spirit Communications, Inc. Originally, Spirit had indicated a willingness to continue the same arrangements with those applicants which had been furnished assurance by Mid-Ohio. However, there was a later change of heart. As the attached amendment, executed by Ardeth S. Frizzell, makes clear, she first learned of this development after reviewing filings of some of the other applicants in this proceeding. Although she understands that Spirit did send letters to applicants, she did not receive one.

After learning of this change of heart, and verifying that it was true, she contacted Ohio State University to obtain reasonable assurance that ASF could specify its tower for the proposed facility. OSU did furnish such assurance.

Inasmuch as ASF had proposed to lease virtually all of the broadcast equipment from Mid-Ohio Communications, it was then necessary to secure an estimate of constructing the station without being able to lease such equipment. Such a quotation was obtained, and is part of the amendment.

This change in business structure also required that more funding than originally anticipated be available. Thus, Ms. Frizzell contacted Thomas J. Beauvais, in order to make arrangements for such additional funding to be made available.

Mr. Beauvais did agree, and his agreement is part of the amendment attached hereto.

ASF submits that there is good cause for the instant petition, and for the Commission's acceptance of the amendment. Erwin O'Conner Broadcasting Co., 22 FCC 2d 140 (Rev. Bd. 1970) sets forth the elements of such good cause. First, the applicant must demonstrate that it acted with due diligence. Although ASF was aware of the sale from Mid-Ohio Communications to Spirit, it was informed that Spirit would continue to honor the Mid-Ohio commitment. Accordingly, the change of ownership did not, in and of itself, require any particular action. It was not until ASF learned from filings of other applicants about Spirit's decision not to honor the commitment that this became a matter of concern. ASF's principal, Ardeth Frizzell, contacted principals of Spirit to ascertain whether this was, in fact, the case. After learning that it was, she contacted counsel to determine what had to be done. At about that time, David Ringer filed an amendment which specified the tower of Ohio State University. Promptly thereafter, Ms. Frizzell contacted Ohio State University in order to ascertain whether ASF could, also, specify that site. She subsequently received a letter dated May 17, 1994, giving such assurance. At that point, ASF authorized E. Harold Munn and Associates to prepare the necessary engineering for the new site. Almost simultaneously, ASF also sought to obtain an

estimate of the costs required for construction of the station. This was obtained from Crouse-Kimzey of Annapolis. After obtaining the quote, Ms. Frizzell put together a revised business plan taking into account the costs of construction. Since that was substantially higher than the previous business plan, she had to determine whether Mr. Beauvais, the non-voting stockholder, would be willing to furnish additional funds. After learning that he would, she requested that he provide this consent in writing, which he did. In light of the substantial tasks flowing from a seemingly simple transaction, it must be concluded that ASF has acted with due diligence.¹

The second prong of the good cause criteria is that the amendment is not required by the voluntary act of the applicant. Obviously, this was prompted by Mid-Ohio Communications' sale of its equipment and transmitter site to another party, and neither ASF nor any other applicant had any control over that.

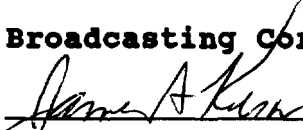
The third criterion is that no additional issues or parties are necessitated. That is clearly the case here.

¹It should also be kept in mind that Ardeth S. Frizzell holds a full time job in order to support herself.

Respectfully submitted,

ASF Broadcasting Corporation

By


James A. Koerner
Baraff, Koerner, Olender & Hochberg, P.C.
5335 Wisconsin Avenue, NW, Suite 300
Washington, DC 20015
(202) 638-3200

July 11, 1994

26054.00\pleading.719

Federal Communications Commission
Washington, D.C. 20554

Ladies and Gentlemen:

ASF Broadcasting Corporation ("ASF") hereby amends its pending application for a new FM broadcast station at Westerville, Ohio.

Earlier this year, the tower site and equipment owned by Mid-Ohio Communications, Inc., all of which was to be leased to ASF in the event of a grant, was sold to Spirit Communications, Inc. I, Ardeth S. Frizzell, was aware of the sale, but had been told that Spirit would continue to abide by the terms previously set forth by Mid-Ohio. I expected to receive written confirmation of this, but it was not forthcoming.

At some point, Spirit apparently had a change of heart. I first learned that the site and equipment would not be available from some other filings made by other applicants. Accordingly, in mid-May, I withdrew an amendment previously filed.

Subsequent to reviewing David Ringer's amendment, I contacted Ohio State University to inquire about use of the WOSU tower for a site, and was given reasonable assurance that it would be available. A copy of the Ohio State letter is enclosed.

Since this required that the engineering portion of the application be redone, I contacted the offices of E. Harold Munn, Jr. and Associates, and requested that they do the necessary engineering work. That new engineering is also attached hereto.

Since the equipment, which was to be leased from Mid-Ohio Communications, Inc., would no longer be available, it was necessary to get an additional quote for equipment. Attached hereto is the quotation from Crouse-Kimzey of Annapolis.

The financial arrangements at the time the application was filed were based upon the assumption that the Mid-Ohio equipment would be leased, not that equipment would have to be purchased. Accordingly, it was necessary to revise the financing package.

Attached is a copy of a letter from Thomas J. Beauvais, revising the Shareholder's Agreement in order to provide the additional funding necessary.

Respectfully submitted,

ASF Broadcasting Corporation

Date

By: Ardeth S. Frizzell
Ardeth S. Frizzell

Attachments



The Ohio State University
Public Broadcasting Stations

WOSU-AM-FM-TV
2400 Olentangy River Road
Columbus, Ohio 43210-1027
Phone 614-292-9678

May 17, 1994

Ardeth Frizzell
164 S. Greener
Columbus, Ohio 43228

Re: Letter of intent to lease tower and floor space at WOSU-TV's
Westerville facility.

Dear Ms. Frizzell:

In the event the Federal Communications Commission should grant you and/or your assignees a construction permit for an FM radio station, the WOSU Stations agree to enter into negotiations with you for a lease to you and/or your assignees, upon such terms and conditions and for such rental as may be mutually agreed upon, covering the following property.

Space on the WOSU-TV tower at Westerville, Ohio, to accommodate a two or three bay FM antenna and 1 5/8" transmission line plus space in the WOSU-TV facility to accommodate a 5KW transmitter.

I left the terms of the lease open, since I realize that it may be a number of years before you obtain FCC authorization to build the station.

If a lease were entered into today, the tower space would rent for \$3.00 per foot/mo., and floor space would be \$200/mo., with electric power billed extra, on an as used basis. If the antenna were at 350 feet, the total monthly cost would be \$1250, plus electricity.

By issuing this letter to you, I give the FCC reasonable assurance of the availability of the subject property for the purposes specified herein.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dale K. Ouzts'.

Dale K. Ouzts
General Manager

**Revised Business plan-ASF Brdcstg. Corp.
Construction Costs
Projection**

R F	\$68,588
On-Air	15,067
PROD	20,015
Misc. Automation	7,995
Satellite	4,000
Legal Fees	5,000
Engineering	3,200
FCC Fees	8,000
Auxiliary Generator	10,000
Misc.	<u>6,000</u>
Cost of Constuction	\$147,865

**Revised Cost of Operations-1st 90 days
Projection**

	\$50,000
Personnel	600
Travel & Entertainment	600
Advertising/Promotion	750
Repair and Maintenance	600
Supplies	1,500
Utilities	650
Freight/Postage	1,000
Insurance	6,750
Studio/Offices/Tower Rents	600
Taxes	500
Professional Services	450
Dues and subscriptions	4,500
Programming	750
Royalties	<u>2,250</u>
Misc.	
Cost of operations (90 Days)	\$71,500
Total Cost (Construction & Operations)	\$219,365

Jim Koerner
1 Page
Arduith
Fruzzell

FAXED

Crouse-Kimzey of Annapolis
P.O. Box 6300
Annapolis MD 21401-0300
800-955-6800
Fax: 410-643-8888

*****QUOTE*****

Page: 1-Revised

Date: June 15, 1994
Submitted by: Kathleen Karas
Terms: As Agreed
FOB: Origin

TO: Ardeth Frizzell
ASF Broadcasting
164 South Greener
Columbus OH 43228

Qty.	Description	Unit	Total
RF Equipment			
1	QEI FMQ-5000 5 kW FM Transmitter with Exciter		\$26,600
300'	Andrew LDF7-50A 1 5/8" Transmission Line	\$ 14.87	4,461
2	L47R EIA Connectors	282.00	564
10	42396A-2 Hanger Kits	41.00	410
10	31670-1 Round Member Adaptors	22.50	225
3	204989-4 Grounding Kits	30.00	90
2	24312A Hoist Grips	51.00	102
1	Jampro JSCP-3(DA)		17,720
2	Scala PR950-CU STL Antennas	630.00	1,260
350'	Andrew LDF4-50A 1/2" Transmission Line	2.50	875
4	N Connectors	31.70	127
10	43211 Hanger Kits	31.00	310
10	31670-1 Round Member Adaptors	22.50	225
6	204989-1 Grounding Kits	23.00	138
2	43094 Hoist Grips	29.00	58
1	Inovonics 715-00 DAVID Stereo Gen/Processor		1,875
1	Marti Composite STL Model 15C		6,495
1	Sine Systems Remote Control RFC-1/B HV3		2,011
1	Belar FMM-2, FMS-2, RFA-1A Monitor Set		4,690
1	Bird 43 Wattmeter with two elements		352
Total RF			\$68,588

Crouse-Kimzey of Annapolis
P.O. Box 6300
Annapolis MD 21401-0300
800-955-6800
Fax: 410-643-8888

Page: 2

****QUOTE****

Date: May 26, 1994
Submitted by: Kathleen Karas
Terms: As Agreed
FOB: Origin

TO: ASF Broadcasting

Qty.	Description	Unit	Total
ON-AIR STUDIO			
1	Radio Systems RS-12 Console		\$ 6,795
2	EV Sentry 100A Monitor Speakers	\$367	734
1	Crown D-75 Power Amplifier		549
1	Audicord Cart Machine SL-RS (rec./play stereo)		1,640
1	Technics SL-PG440 CD Player		189
1	Tascam 32 Reel to Reel Machine		2,099
1	ATI DA416 Distribution Amplifier		539
1	Symetrix 528 Voice Processor		679
1	Radio Systems TI-101 Telephone Interface		495
2	Shure SM-58 Microphones	213	426
2	Luxo LM-1 Mic Arms	56	112
2	AKG K-141 Headphones	119	238
1	Atlas-Soundolier WA100-70A Eqt. Rack		500
1	On-Air Light		72
Total On-Air			\$15,067

Crouse-Kimzey of Annapolis
P.O. Box 6300
Annapolis MD 21401-0300
800-955-6800
Fax: 410-643-8888

Page: 3

****QUOTE****

Date: May 26, 1994
Submitted by: Kathleen Karas
Terms: As Agreed
FOB: Origin

TO: ASF Broadcasting

Qty.	Description	Unit	Total
PRODUCTION STUDIO			
1	Radio Sytems RS-12 Console		\$ 6,795
2	Sentry 100A Monitor Speakers	\$367	734
1	Crown D-75 Power Amplifier		549
1	Audicord DL-RS Cart Machine		1,640
1	Tascam 32 Reel to Reel		2,099
1	Technics AL-PG440 CD Player		189
1	ATI DA416 Distribution Amplifier		539
2	Shure SM58 Microphones	213	426
2	Luxo 1M-1 Mic Arms	56	112
2	AKG K-141 headphones	119	238
1	Arrakis TS-8C Trak*Star Digital Editor		5,495
1	Radio Systems TI-101 Telephone Interface		495
1	Atlas-Soundolier WA100-70A Eqt. Rack		500
1	Recording Light		72
1	Audiolab TD-1B Eraser		132
Total Production			<u>\$20,015</u>

Crouse-Kimzey of Annapolis
P.O. Box 6300
Annapolis MD 21401-0300
800-955-6800
Fax: 410-643-8888

Page: 4

Date: May 26, 1994

Submitted by: Kathleen Karas

Terms: As Agreed

FOB: Origin

QUOTE

TO: ASF Broadcasting

Qty.	Description	Unit	Total
OPTIONAL			
	Arrakis Digilink Automation System		\$ 7,995
	Generic Satellite System		4,000
	(including dish, LNB, receiver, trans. line)		
	lot audio cable, connectors, mounts, test equipment		3,000

June 30, 1994

Ms. Ardeth Frizzell
ASF Broadcasting
164 S. Grener Road
Columbus, Ohio 43228

Dear Ardeth,

Due to the changed circumstances in connection with the application for the new FM station at Westerville, Ohio, in particular, the unavailability of the transmitter site and equipment formerly used by Mid-Ohio Communications for WBBY, and the necessity to revise the plan of financing accordingly, it will be necessary to amend the Shareholder's Agreement.

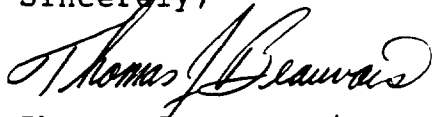
You have indicated that the total cost of construction and operation for 90 days is slightly less than \$220,000. Accordingly, I am willing to revise the Shareholder's Agreement in connection with the funds to be provided after grant of the construction permit, to increase the amount of the loan from \$100,000 to \$225,000. Because of the increased amount, the maturity period would be increased from the range of five to seven years to the range of seven to ten years.

The provisions of that Shareholder's Agreement, reciting that the loan proceeds would be used for lease costs are modified to provide that the loan proceeds should be used for the construction and operation for 90 days.

There has been no adverse change in my balance sheet since the last one you saw, so that I am able to make the loan.

If you have any questions, please feel free to give me a call or write to me.

Sincerely,



Thomas J. Beauvais

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

ASF Broadcasting Corporation

Call letters (if issued)

Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: _____

Purpose of Application: (check appropriate boxes)

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) Amendment of BPH-911230MB

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
280	Westerville	Franklin	OH

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3

☐ C2 ☐ C1 ☐ C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

6680 State Road 3, Westerville, Delaware County, Ohio

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	40°	09'	33"	Longitude	82°	55'	21"
----------	-----	-----	-----	-----------	-----	-----	-----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both.

WTTE(TV), WOSU(TV), W15AU(CP), W41BB(CP)
W62BE(CP)

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

Does Not Apply

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Date June 3, 1994 Office where filed Great Lakes Regional Office
Des Plaines, IL

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	<u>Grover (Pvt.)</u>	<u>6.5</u>	<u>350°</u>
(b)	<u>Pine Lake (Pvt.)</u>	<u>8.0</u>	<u>10°</u>

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 280 meters(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 344 meters(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 624 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 103 meters (H)103 meters (V)(2) above mean sea level [(aX1) + (bX1)] 383 meters (H)383 meters (V)(3) above average terrain 100 meters (H)100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.
E-3

9. Effective Radiated Power:

(a) ERP in the horizontal plane 6.0 kw (H*) 6.0 kw (V*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

 kw (H*) kw (V*)

-Polarization

10. Is a directional antenna proposed?

☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.
E-4

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☐ Yes ☒ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☒ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.
SEE

DISCUSSION

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
E-7

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(a) and 73.318.)*

Exhibit No.
A

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No. E-5

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. E-1

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 1959 sq. km. Population 5907932

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. DNA

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)*

☒ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: NGDC TPG-0050)

☐ Other *(briefly summarize)*

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 316 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
* 197.8	122.4	11.0	19.9
0	98.4	13.3	24.0
45	82.2	14.5	25.8
90	69.4	13.4	23.9
135	85.0	13.1	23.6
180	133.2	10.7	19.3
225	119.6	14.8	26.4
270	111.2	17.2	29.7
315	105.2	14.1	25.3

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement/See 47 C.F.R. Section 1.1301 et seq.

Would a Commission grant of this application come within Section 1.1807 of the FCC Rules, such that it may have a significant environmental impact? ☐ Yes ☒ No

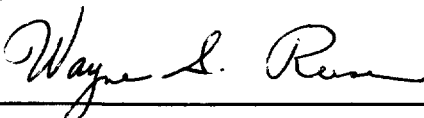
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.

If No, explain briefly why not. Tower existing, no changes proposed.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Wayne S. Reese, President E. Harold Munn, Jr. & Associates, Inc.	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) P. O. Box 220 Coldwater, MI 49036-0220
Date June 3, 1994	Telephone No. (Include Area Code) (517) 278-7339

ENGINEERING REPORT

**Amendment For
BPH-911230MB
At Westerville, OH.
June, 1994**

**E. HAROLD MUNN, JR. & ASSOCIATES, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036**

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CERTIFICATION OF CONSULTANT

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data submitted in this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of those data errors or omissions.

The report has been prepared by or under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

E. Harold Munn, Jr. & Associates, Inc.

June 3, 1994

by Virgil M. Royer
Virgil M. Royer, Staff Engineer
Wayne S. Reese, President

100 Airport Drive, Box 220
Coldwater, Michigan 49036-0220

(517) 278-7339

DISCUSSION

This firm was retained to prepare the required engineering report in support of an application for modification of a pending application for an FM Broadcast Station. FM Channel 280(A), 103.9 MHz, is authorized for use at Westerville, Ohio. ASF Broadcasting Corporation, in BPH-911230MB, has applied for the use of this channel.

It has been determined in the course of the hearing process that a transmitter site change will be accepted, therefore this application was prepared in support of the site change to an existing tower used by television broadcast stations. There is no change in the existing antenna support tower.

The maximum effective radiated power for the station will be 6.0 kw, with an antenna height above average terrain of 100 meters. A directional antenna will be employed. The antenna will be mounted as shown by the vertical plan, Exhibit E-3. There is no change in the authorized structure height above ground or above mean sea level. No FAA notification is required.

The proposed contours have been calculated in accordance with the Rules, and the data obtained has been tabulated and plotted in this report. The plotted contours are found as Exhibit E-1 of this report. This exhibit shows the 3.16 mV/m contour which serves the community of license, and the overall service which is provided by the 1.0 mV/m contour as proposed in this application.

The remainder of the information in this report is responsive to the Rules of the Commission, and provides the data for F.C.C. Form 301, Section V-B.

This proposal satisfies the requirements of 47 C.F.R. Sections 73.315(a) and (b). The 3.16 mV/m contour serves 100% of the city limits as shown on the map Exhibit E-1.

The transmitter will be operated by remote control from the main studio, located within the 3.16 mV/m contour.

The transmitter site proposed in this application is short-spaced under the provisions of §73.207 to two existing facilities, WTTF-FM, Channel 279B, Tiffin, and WPAY-FM, Channel 281C, Portsmouth, both Ohio. The Westerville, Ohio allotment was in place prior to October, 1989 and the provisions of §73.213 are permitted with respect to WTTF-FM. The directional antenna proposed by ASF Broadcasting Company limits the effective radiated power toward WTTF-FM to 3 kW across the pertinent span of azimuths. As the spacing between the proposed Westerville site and WTTF-FM exceeds 105 km, it is believed that conformance with §73.213(c)(1) is attained.

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Broadcast Engineering Consultants
Coldwater, MI 49036

DISCUSSION cont.

With respect to the spacing to WPAY-FM, Portsmouth, Ohio, the proposed site for Channel 280A is short-spaced under the provisions of §73.207 or §73.213. Therefore, the proposed directional antenna for Channel 280A has been designed to provide contour protection as required under §73.215.

Exhibit E-7 of this report details the protection afforded to WPAY-FM and to the proposed Westerville facility. There will be no prohibited overlap to or from either station as a result of a grant of this application.

All other spacings meet the requirements of §73.207.